

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LAWRENCE GRAHAM, *et al.*,

Plaintiff,

v.

BAYVIEW LOAN SERVICES, LLC, *et al.*,

Defendant.

Case No. 2:16-cv-00335-MMD-CWH

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
CARL W. HOFFMAN, JR.

Before the Court is the Report and Recommendation of United States Magistrate Judge Carl W. Hoffman, Jr. (ECF No. 6) ("R&R") relating to Plaintiff's application to proceed *in forma pauperis* (ECF No. 1). In its order (ECF No. 5), the Court gave plaintiff until May 2, 2016, to file a complaint and new application, complete with all required information, or to pay the filing fee. The Court also stated that Plaintiff's failure to take action would result in a recommendation to dismiss the instant case. Plaintiff failed to take action and the Magistrate Judge recommended that this case be dismissed without prejudice. Plaintiff was given until May 28, 2016, to object to the R&R. To date, objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue

1 that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
2 Indeed, the Ninth Circuit has recognized that a district court is not required to review a
3 magistrate judge’s report and recommendation where no objections have been filed. See
4 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
5 of review employed by the district court when reviewing a report and recommendation to
6 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
7 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the
8 view that district courts are not required to review “any issue that is not the subject of an
9 objection.”). Thus, if there is no objection to a magistrate judge’s recommendation, then
10 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
11 Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation to
12 which no objection was filed).


13 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
14 determine whether to adopt Magistrate Judge Hoffman’s R&R. Upon reviewing the R&R
15 and filings in this case, this Court finds good cause to adopt the Magistrate Judge’s R&R
16 in full.

17 It is therefore ordered, adjudged and decreed that the Report and
18 Recommendation of Magistrate Judge Carl W. Hoffman, Jr. (ECF No. 6) be accepted
19 and adopted in its entirety.

20 It is ordered that this case is dismissed without prejudice.

21 The Clerk is directed to close this case.

22 DATED THIS 25th day of July 2016.

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25 _____
26 MIRANDA M. DU
27 UNITED STATES DISTRICT JUDGE
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